

Jeffrey C. Matura, State Bar No. 019893
GRAIF BARRETT & MATURA, P.C.
1850 North Central Avenue, Suite 500
Phoenix, Arizona 85004
Telephone: (602) 792-1700
Facsimile: (602) 792-1710
Email: jmatura@gbmlawpc.com

Attorneys for Plaintiff Town of Colorado City

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

TOWN OF COLORADO CITY, an Arizona
municipality,

Plaintiff,

v.

THE UNITED EFFORT PLAN TRUST,
(Dated November 9, 1942, Amended April 10,
1946, and Amended and Restated on
November 3, 1998); and BRUCE WISAN,
Special Fiduciary; RONALD COOKE and
JINJER COOKE, husband and wife; ROBERT
BLACK and JANE DOE BLACK, husband
and wife,

Defendants.

Case No. 3:11-cv-08037-DGC

**TOWN OF COLORADO CITY'S
RESPONSE TO UTAH ATTORNEY
GENERAL MARK L.
SHURTLEFF'S MOTION TO
INTERVENE**

Plaintiff Town of Colorado City does not agree with most of the facts and arguments the Utah Attorney General raises in its Motion to Intervene [Docs. 56 and 57]. Yet, Colorado City recognizes that the Utah Attorney General has raised sufficient arguments to support its Motion. Colorado City does not want to waste this Court's time with unnecessary filings; therefore, Colorado City does not contest the Utah Attorney General's Motion to Intervene.

Colorado City does, however, object to the Utah Attorney General's proposed order [Doc. 66-1] granting its Motion to Intervene. The proposed order contains factual and legal conclusions that this Court has not yet rendered. For example, the proposed order states that "the Utah AG has an interest in the property at issue, the United Effort

1 Plan Trust,”¹ which may not be true for the UEP property located within Arizona. The
2 proposed order also states that “the other parties to the litigation – including the Special
3 Fiduciary – may not be able to represent the Utah AG’s interests.”² Again, this is not yet
4 known. Finally, the proposed order states that the Utah AG has a “duty to ensure not only
5 that management of the Trust serves the beneficiaries, but also the people of the State of
6 Utah.”³ The people of the State of Utah are not beneficiaries to the Trust. Their interests
7 in the Trust, if any, are therefore not yet known.

8 For these reasons, Colorado City requests that this Court reject the proposed order
9 from the Utah Attorney General. Instead, if this Court grants the Motion to Intervene,
10 Colorado City requests that it enter the proposed order attached as Exhibit 1 to this
11 response.

12
13 Dated this 22nd day of May 2012.

14 GRAIF BARRETT & MATURA, P.C.

15
16 By /s/ Jeffrey C. Matura

17 Jeffrey C. Matura
18 1850 North Central Avenue, Suite 500
19 Phoenix, Arizona 85004
20 Attorneys for Plaintiff Town of Colorado
21 City

22
23
24
25
26 ¹ See Proposed Order [Doc. 66-1] at p. 2, line 3.

27 ² Id. at p. 3, lines 6 – 7.

28 ³ Id. at p. 3, lines 8 – 10.

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2012, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system for filing and transmittal of Notice of Electronic filing to the following CM/ECF registrants:

Joni J. Jones
David N. Wolf
Assistant Utah Attorneys General
Office of the Attorney General
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114
Attorneys for Defendant / Intervenor Mark L. Shurtleff

Michael L. Parrish
Alison Pulaski Carter
Stinson Morrison Hecker, LLP
1850 North Central Avenue, Suite 2100
Phoenix, Arizona 85004
Attorneys for Defendants United Effort Plan Trust
and Bruce Wisan

William G. Walker
William G. Walker, P.C.
177 North Church Avenue, Suite 700
Tucson, Arizona 85701
Attorneys for Defendants Ronald and Jinjer Cooke

I hereby further certify that I served the attached document by first class mail on the following participant who is not a registered participant of the CM/ECF System:

Robert Black
P.O. Box 789
St. George, Utah 84771
Defendant Pro Per

/s/ Karen McElroy

4846-2709-6847